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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,920	05/11/2007	Shigeru Nakajima	125192.00401	7896
21269	7590	03/10/2010	EXAMINER	
PEPPER HAMILTON LLP			MUKHOPADHYAY, BHASKAR	
ONE MELLON CENTER, 50TH FLOOR				
500 GRANT STREET			ART UNIT	PAPER NUMBER
PITTSBURGH, PA 15219			1794	
			MAIL DATE	DELIVERY MODE
			03/10/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10597920	5/11/2007	NAKAJIMA ET AL.	125192.00401

EXAMINER

BHASKAR MUKHOPADHYAY

ART UNIT	PAPER
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1794 20100305

DATE MAILED:

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**Commissioner for Patents**

The amendment filed on 12/14/2009 canceling all claims drawn to the elected invention (material) and presenting only claims drawn to a non-elected invention (method) is non-responsive (MPEP § 821.03). The newly added claims are not readable on the originally presented invention because newly added claims 6-11 are drawn to a method of maintaining the body protein and concurrently reducing the body fat in an animal while the invention as originally claimed was drawn to a material for processed food for weight reduction diets. Since applicant has received an action on the merits of the originally presented invention, the amendment is non-responsive. See CFR 1.142(b) and MPEP 821.03.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

/Callie E. Shosho/  
Supervisory Patent Examiner, Art Unit 1794